

FILED

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KEVIN FOLSE

PLAINTIFF,

v.

JUL 14 2016

ORDER TO SHOW
CAUSE FOR AN

MATTHEW J. DYKMAN PRELIMINARY

CLERK

INJUNCTION &
A TEMPORARY

TOBY BENEVIDAS, ALBUQUERQUE POLICE DEPARTMENT,

DETECTIVE RONALD CLIPP, (A.P.D.),

DETECTIVE SANCHEZ, (A.P.D.),

SAMUEL HURTADO, UNITED STATES ATTORNEY,

MARCUS MALONE, UNITED STATES MARSHAL,

CHAD MILLER, WARDEN, TORANCE COUNTY DETENTION CENTER,

DAMON P. MARTINEZ, UNITED STATES ATTORNEY,

RYAN VILLA, APPOINTED COUNCIL, DEFENDANTS.

CIVIL ACTION NO.: 16-cv-00586-JH/CG

UPON THE COMPLAINT, THE SUPPORTING AFFIDAVITS
OF PLAINTIFFS, AND THE MEMORANDUM OF LAW SUBMITTED
HERE WITH, IT IS:

ORDERED THAT DEFENDANTS, TOBY BENEVIDAS, RONALD CLIPP,
DETECTIVE SANCHEZ, SAMUEL HURTADO, MARCUS MALONE, CHAD MILLER,
DAMON P. MARTINEZ, RYAN VILLA, SHOW CAUSE IN ROOM _____ OF THE
UNITED STATES COURTHOUSE, PETE V. DOMENICI U.S. COURTHOUSE, 333 LOMAS BVD.
N.W. SUITE 270, ALBUQUERQUE, NEW MEXICO 87102, ON THE _____ DAY OF _____,
20_____, AT _____ O'CLOCK, WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE
PURSUANT TO RULE 65(a) OF THE FEDERAL RULES OF CIVIL PROCEDURE
ENJOINING THE DEFENDANTS, THEIR SUCCESSORS IN OFFICE, AGENTS AND
EMPLOYEES AND ALL OTHER PERSONS ACTING IN CONCERT AND PARTICIPATION
WITH THEM, FROM CONTINUING TO PROVIDE INFORMATION THATS BASED OFF HEARSAY
IN MY(P.S.R) PRE SENTENCE REPORT, UNITED STATES MEMORANDUM, AND ON THE DAY OF
SENTENCING, AND ALSO FROM CONTINUING TO USE OBFUSCATORY LANGUAGE TO DEMONIZE
MY NAME BASED ON ALL INFORMATION OBTAINED BY HEAR SAY, INCLUDING USING 13 YEAR OLD
MICHAEL B'S INCONTER WITH ME, TO PUT MY LIFE IN DANGER, INCLUDING MY FAMILIES
LIVES, BY PERSUADING OTHERS I ACTED WITH "EVIL INTENT", OR A "GUILTY MIND", WHEN
IN ALL REALITY I WAS BEING SHOT AT BY A.P.D AND I WAS RUNNING TO SAVE MY LIFE,
WITH AN INTERNAL INSTINCT, NOT AN "EVIL INTENT". THIS INCLUDES MY CONDITIONS
OF CONFINEMENT IT'S ALL BEEN CREATED WITH HEARSAY, AND FAISIFIED DOCUMENTS
THAT MY LIFE IS IN DANGER BECAUSE OF ACTIONS I BROUGHT UPON MYSELF, WHEN IN FACT
MY BEING FORCED TO LIVE IN A (STRIP CELL) CONCRETE BOX IS PUTTING THE WRONG
IMPRESSIONS UPON OTHERS BY LEADING THEM TO BELIEVE I ACTED WITH EVIL INTENT
TO HURT A SMALL CHILD. TO PREVENT THESE MENTIONED DEFENDANTS FROM VIOLATING
MY CIVIL RIGHTS FROM MY EIGHTH AMENDMENT BY "CRUEL AND UNUSUAL PUNISHMENTS BEING
INFILCTED, BY KEEPING ME IN SOLITARY CONFINEMENT FOR NO WRONGFULL ACTIONS COMMITTED
AS IM STILL A DETAINEE AND HAVE NOT BEEN CONVICTED OF A CRIME. IN ADDITION
IM IN FEAR FOR MY LIFE BECAUSE EVIDENCE THAT MAY HAVE EASILY PROVED MY INNOCENCE
WAS PURPOSELY EXCLUDED BY ALL ABOVE MENTIONED DEFENDANTS, (REQUESTING THAT
ALL ABOVE MENTIONED DEFENDANTS MAY NOT MOVE FORWARD IN MY CASE.)

MORE THAN LIKELY I CAN SHOW AT TRIAL HOW THE DEFENDANTS VIOLATED MY RIGHTS.

I WILL DEFFINANTLY SUFFER IRREPARABLE HARM, IF NOT DEATH, IF I DO NOT RECEIVE A PRELIMINARY INJUNCTION, ESPECIALLY IF MY DEFENDANTS CONTINUE TO REPETITIVELY PUT MY LIFE IN DANGER BY DEMONIZING MY NAME AND USING OBSCURANT LANGUAGE TO CREATE AN IMAGE THAT I DESERVE 40 YEARS TO LIFE IN PRISON WHEN THEY KNOW THERE INFORMATION PROVIDED TO THE COURT IS INCORRECT.

THE THREAT OF HARM I FACE NOW, AND IN THE FUTURE WILL BE SERIOUS HARM; IF NOT DEATH OR GREAT BODILY HARM, THAT HAS ONLY BECOME WORSE DUE TO NEWSPAPERS AND LOCAL NEWS STATIONS, THESE DEFENDANTS HAVE ALLOWED, TOBY BENEVIDAS WITH THE A.P.D, CREATE FALSE STATEMENTS, AND RE-WRITTEN CRIMINAL COMPLAINTS, AND HAVE CONTINUED TO PURSUE THE COURTS, AND DIRECT THESE FALSE ALLEGATIONS INTO BELIEVABLE DOCUMENTS TO HELP FIND ME GUILTY BY A JURY. THE DEFENDANTS ALL WORK "UNDER COLOR OF STATE LAW" AND HAVE NOT ALLOWED THE PUBLIC TO HEAR THE TRUTH THIS IS NOT JUSTICE TO VICTIMATE, A CITICEN OF THE UNITED STATES OF AMERICAS CIVIL RIGHTS, THIS IS A CORRUPTED GROUP OF INDIVISUALS WHOM I AM TERRIFIED OF, THEY HAVE ALL USED THERE POSITION OF POWER TO ABUSE AND TAKE ADVANTAGE OF THE COURTS IM IN FEAR FOR MY LIFE, BY DEATH, AND ALSO TO BE DEPRIVED OF MY FREEDOM. I COMMITTED AN ACT WITHOUT THE "EVIL INTENT" REQUIRED TO MAKE THAT ACT A CRIME, THEREFORE I AM NOT GUILTY OF THE CRIME IF THE INTENT SUBSEQUENTLY CAME TO ME, RATHER THAN REALIZING I RAN FOR MY LIFE, THEY LOOKED AWAY FROM TAPE CAMERAS, WITNESSES, STATEMENTS, AND AUDIO RECORDINGS. THAT PROVED LAW ENFORCEMENT SHOT AT ME WITHOUT WARNING, ANCHASED ME DOWN WITHOUT PROBABLE CAUSE, THEY REVIEWED THIS EVIDENCE, AND ALL WORKED TOGETHER, TO EXCLUDE ALL OF IT BEFORE MY JURY TRIAL.

THEREFORE I CAN NOT GO THREW A FAIR HEARING ON THE DAY OF MY SENTENCING, KNOWING THESE INDIVISUALS HAVE CONSPIRED TO GIVE ME A LIFE SENTENCE WITH INFORMATION THAT IS NOT ACCURATE. IT IS FURTHER ORDERED THAT EFFECTIVE IMMEDIATELY, AND PENDING THE HEARING AND DETERMINATION OF THIS ORDER TO SHOW CAUSE, THE DEFENDANTS, TOBY BENEVIDAS, RONALD CLIPP, DETECTIVE SANCHEZ, SAMUEL HURTADO, MARCUS MALONE, CHAD MILLER, DAMON P. MARTINEZ, RYAN VILLA, AND EACH OF THEIR OFFICERS, AGENTS, EMPLOYERS, AND ALL PERSONS ACTING IN CONCERT OR PARTICIPATION WITH THEM, ARE RESTRAINED FROM NEW MEXICO.

IT IS FURTHER ORDERED THAT THE ORDER TO SHOW CAUSE, AND ALL OTHER PAPERS ATTATCHED TO THIS APPLICATION, BE SERVED ON THE AFORESAID PLAINTIFFS BY

X

DATED: 6-19-16
UNITED STATES DISTRICT COURT

IN THE UNITED STATES
DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KEVIN FOLSE #4183
(PLAINTIFF)

CIVIL Action # 1:16-CV-00586-JM-CG

MEMORANDUM

ORDER TO SHOW CAUSE FOR A PRELIMINARY
INJUNCTION & { A TEMPORARY RESTRAINING ORDER }
(MEMORANDUM)

UPON THE COMPLAINT THE SUPPORTING
AFFIDAVITS OF PLAINTIFF, AND
THE MEMORANDUM OF LAW SUBMITTED
HEREWITH, IT IS:

THE GOVERNMENT HAS, PROVIDED FALSE INFORMATION
SAMUEL HURTADO, PROSECUTOR (U.S.A.) AND FEDERAL
MARSHAL NATHANIEL BEST, ALONG WITH DAMON P.
MARTINEZ, AND TOBY BENEVIDAS, with the (A.P.D) HAVE
ALL KNOWINGLY INVOLVED THEMSELVES, IN CREATING
A CAMPAIGN OF TERROR TO USE FALSE INFORMATION
NOT ONLY TO ARREST ME AND DO ALL they CAN IN
THERE POWER TO get ME A SENTENCE OF LIFE
IN PRISON, THEY HAVE ALL WORKED TOGETHER TO PUT MY
LIFE IN DANGER, BY CREATING FALSE INFORMATION THAT I
WAS WORKING AS A CONFIDENTIAL INFORMANT, FURTHER MORE
TOBY BENEVIDAS, CREATED FALSE ALLEGATIONS IN MY DISCOVERY
WHICH WERE PASSED OFF TO SAMUEL HURTADO, HE WAS
PROVIDED WITH NO EVIDENCE ONLY HEARSAY, AND HAS
NOW TRANSFERRED ALL OF these FALSE ALLEGATIONS, INTO
MY PRE SENTENCE REPORT (P.S.R.) AND DAMON P MARTINEZ
Along with FEDERAL MARSHAL NATHANIEL BEST, PROVIDED
TO INCORPOATE this FALSE INFORMATION BASED SOLELY ON
HEARSAY INTO MY MEMORANDUM FROM THE
UNITED STATES.

I : NATURE OF THE ACTION

(3) ISSUES, (ISSUE #1) CONSISTS OF, F.B.I.
APD AND MARSHALS, ALONG WITH, FEDERAL PROSECUTORS
PUTTING MY LIFE AND MY FAMILIES LIVES IN
DANGER, BY PASSING OFF FALSE INFORMATION/KNOWINGLY
AND DELIBERATE, SAYING IM A C.I. CONFIDENTIAL
INFORMANT, REQUESTING FINANCES, NEW HOMES, VEHICLES,
AND MONEY TO START A NEW LIFE AS PROMISED TO
A C.I. IN A WITNESS PROTECTION PROGRAM.

(ISSUE #2) REQUESTING A "TEMPORARY RESTRAINING ORDER"
I WILL ALSO FILE AN INJUNCTION
WORKING "UNDER COLOR OF STATE LAW" THESE MENTIONED INDIVIDUALS
ARE CONTINUOUSLY, USING FALSE INFORMATION, AND CREATING FALSE
INFORMATION TO MAKE MATTERS WORSE IN MY SITUATION,
A.P.D. OFFICERS, TOBY BENEVIDAS, AND DETECTIVE SANCHEZ AND
DETECTIVE R. CLIPP, ATTEMPTED TO HUNT ME DOWN WITH
INTENTIONS TO KILL ME, WHICH THEY OPENLY SPEAK ABOUT
ON THEIR AUDIO/VIDEO TAPEL VIDEOS, THEY HAD NO ACTUAL PROBABLE
CAUSE TO SEARCH FOR ME, NO WARRANT FOR MY ARREST AND
I WAS NOT ON PROBATION OR PAROLE, IN FACT NONE OF
THESE INFORMATION OR SO CALLED CONFIDENTIAL INFORMANTS
EVER CAME FORWARD OR PROVIDED INFORMATION THAT I
WAS INVOLVED IN ANY WRONG DOING, (WRONG FULL ACTIONS)
IN FACT, THE ORIGINAL INVESTIGATION CONSISTED OF HEAR SAY THAT
I WAS IN A STOLEN BLACK CADILLAC (LATER PULLED OVER)
AND I WAS NOT IN THIS VEHICLE, (A.P.D.) CONTINUED TO
SEARCH FOR ME, RATHER THAN ACTING AS A PROFESSIONAL
LAW ENFORCEMENT OFFICER, THEY OPENED FIRE, AND SHOT DOWN
THEIR TAPEL VIDEO AT THAT TIME, AND LATER SPOKE ABOUT
IT AMONGST EACH OTHER WHEN I RAN FOR MY LIFE, ES WHEN
A WARRANT FOR MY ARREST WAS FILED,
IM REQUESTING A MISTRIAL IN REGARDS TO EVIDENCE
THAT WAS EXCLUDED AND NEW EVIDENCE THAT HAS SURFACED.
JUDGE BROWNING CANT GIVE ME A FAIR SENTENCING IF HE WAS
PROVIDED WITH FALSE INFORMATION.

II. ARGUMENT

(ISSUE #3) RYAN J. VILLA Acting UNDER COLOR OF STATE LAW, EXCLUDED EVIDENCE, THAT I REQUESTED TO BE HEARD AT TRIAL, HE ALLOWED PROSECUTORS TO PRESENT FALSE INFORMATION without laying FOUNDATION OR HAVING EVIDENCE, MY TRIAL WAS BASED ON HEAR SAY, WE AGREED ON HOW WE WOULD APPROACH MY TRIAL. However RYAN VILLA, MADE NO ATTEMPT TO INVOLVE ME OR BRING FORWARD MY WITNESSES OR STATEMENTS OR POLICE VIDEOS, INTERVIEWS, OR EVIDENCE I REQUESTED TO HAVE AT MY TRIAL, MY REASON FOR FILING "INFFECTIVE ASSISTANCE OF COUNSEL", BEFORE SENTENCING IS BECAUSE THE HONORABLE JUDGE O. BROWNING CAN NOT PROVIDE ME WITH A FAIR SENTENCING IF HE HAS NOT BEEN PROVIDED WITH THE TRUTH (ONLY FALSE INFORMATION)!

A.P.D. POLICE DEPARTMENT, A.T.F. AGENT BRANDON GARCIA, PROSECUTORS SAMUEL HURTADO, AND PFLYGRATH ALONG WITH MY PAST COUNSEL RYAN VILLA WERE ALL ACTING "UNDER COLOR OF STATE LAW" AND KNOWINGLY, CO-OPERATING WITH EACH OTHER AND ELIMINATING SOLID EVIDENCE "piece By piece" FROM MY CRIMINAL COMPLAINT TO STATEMENTS, TO MY DISCOVERY AND IN MY JURY TRIAL, THEY ALL CONSPIRED TO WORK TOGETHER SO I HAD NO CHANCE FOR A FAIR TRIAL, RYAN VILLA FILED A MOTION TO DISMISS HIMSELF AS COUNSEL AS NEW EVIDENCE SURFACED HE ADMITTED IN COURT HE MADE A BIG MISTAKE AND WAS stepping down. NOW IM FORCED TO BE SENTENCED TO 10 years TO LIFE, FOR RUNNING FOR MY LIFE, MY INSTANT REACTION WAS TO RUN, OR I WILL BE KILLED, IN FEAR OF BEING SHOT + INSTANTLY REACTED BEFORE I COULD THINK, THE HYPOTHALAMIC REGION IN THE BRAIN WAS TRIGGERED TO LIVE RATHER THAN DIE, AUDIO/VIDEO PROVES THESE ALLEGATIONS TO BE TRUE, MY COUNSEL RYAN VILLA, WAS AWARE OF ALL OF THIS EVIDENCE, AND EXCLUDED IT WITHOUT MY KNOWLEDGE.

VERIFICATION

I HAVE READ THE FOREGOING INFORMATION AND HEREBY VERIFY THAT THE MATTERS ALLEGED THEREIN ARE TRUE, EXCEPT AS TO MATTERS ALLEGED ON INFORMATION AND BELIEFE, AND, AS TO THOSE, I BELIEVE THEM TO BE TRUE. I CERTIFY UNDER OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT ~~000~~ SANTA FE, NEW MEXICO, ON JUNE 19ST 2016.

RESPECTFULLY SUBMITTED

KEVIN JOSEPH FOLSE
P.O. BOX 1059
SANTA FE, N.M. - 87504